

**Board of Chiropractic Examiners
Proposed Regulations
Title 16, Division 4, California Code of Regulations**

§305. Procedure in Disciplinary Proceedings.

All proceedings relating to the refusal to grant, suspension or revocation of a license to practice chiropractic, or for the reissuance or reinstatement of a license which has been suspended or revoked, or for the disciplining of licensees in any manner ~~other than by a Chiropractic Quality Review Panel~~, shall be conducted in accordance with the provisions of Section 11500 et seq. of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e) and 1000-10(b), Business and Professions Code (Chiropractic Initiative Act). Reference: Section 1000-4(h), Business and Professions Code.

~~§306.1. Chiropractic Quality Review Panel (CQRP).~~

~~—The board shall establish a Chiropractic Quality Review Panel (CQRP) by county throughout California to hear cases referred by the board's Executive Officer.~~

~~—(a) The authority and duties of CQRP's are:~~

~~—(1) To review chiropractic care provided by California licensees.~~

~~—(2) To act on all matters assigned to it by the board's Executive Officer.~~

~~—(3) To inspect all chiropractic records where reasonable cause exists to initiate a quality review.~~

~~—(b) The composition and purpose of CQRP's are as follows:~~

~~—(1) Each panel shall be composed of three licensees appointed by the board.~~

~~—(2) Each panel member shall have at least 5 years experience practicing chiropractic in California.~~

~~—(3) Each panel member shall have no disciplinary action against their license.~~

~~—(4) The purpose of the CQRP is to review specific complaints and where appropriate to provide recommendations of continuing education and to strengthen aspects of the licensee's chiropractic practice.~~

~~—(A) The “continuing education” recommendations are limited to specific continuing education seminars required by licensees.~~

~~—(B) “Recommendations to strengthen aspects of a licensee's practice” will be a panel recommendation consistent with chiropractic standards of care in California.~~

~~—(c) CQRP Hearing Procedures are as follows:~~

~~—(1) A closed panel hearing shall be conducted with a court reporter.~~

~~—(2) Any licensee required to appear before a panel will be notified by certified mail with a summary of the specific complaint together with supporting documents at least 30 days prior to the scheduled panel hearing.~~

~~—(3) When requested by the panel, licensees shall present to the panel all patient treatment records relevant to the specific complaint as required by California Code of Regulations, Title 16, Section 318.~~

~~—(4) The failure to present all requested patient records authorizes the panel to presume that the information in the records is adverse to the licensee.~~

~~—(5) The licensee may bring in any witnesses and documents to assist in responding to the complaint.~~

~~—(6) The licensee may have counsel present during the panel hearing.~~

~~—(7) The licensee will be given an adequate opportunity to respond to any questions by the panel.~~

~~—(8) A postponement of the scheduled panel hearing may be granted by the board's Executive Officer upon a showing of good cause made at least 10 days prior to the scheduled hearing.~~

~~—(9) The failure of a licensee to appear, without good cause, constitutes grounds for a recommendation to the Executive Officer for filing of a disciplinary action, or further investigation.~~

~~—(d) CQRP report procedures:~~

~~—(1) At the conclusion of the CQRP hearing the panel shall prepare a written report based on the evidence presented at the panel hearing with specific recommendations regarding the licensee and/or the licensee's practice.~~

~~—Panel recommendations are the following:~~

~~—(A) Continuing education seminars in related field;~~

~~—(B) Recommendations that would strengthen aspects of licensee's chiropractic practice;~~

~~—(C) Further investigation;~~

~~—(D) Refer case to Office of Attorney General for preparation of formal disciplinary action;~~

~~—(E) Close case with warning;~~

~~—(F) Close case without warning;~~

~~—(G) Dismiss complaint.~~

~~—(2) The report and recommendations shall go directly to the board's Executive Officer.~~

~~—(3) Any departure from accepted chiropractic procedures or practices shall be outlined in this written panel report with the recommendations from subsection (d)(1)(A)-(G) deemed necessary by a vote of a majority of the three member panel.~~

~~—(4) All panel recommendations are subject to approval by the board's Executive Officer without further input from the licensee. The Executive Officer shall prepare a final report, which shall include all approved recommendations, and send a copy of the final report to the licensee and panel members.~~

~~—(5) The evidence presented at the panel hearing shall be submitted to the board office. All evidence used by the panel is admissible in any subsequent disciplinary proceeding against a licensee.~~

~~—(e) The procedures for appealing the final CQRP report are as follows:~~

~~—(1) The panel report is reviewed by the board's Executive Officer. After the review, the final report is sent to the licensee. The licensee has 30 days from receipt of the report to file a written appeal with the board.~~

~~—(2) The appeal shall be considered by a committee of the board consisting of no more than three members.~~

~~—(3) If the committee grants the appeal a final decision shall be prepared and returned to the Executive Officer for distribution to the licensee and panel members.~~

~~—(4) If the board's committee denies the appeal, the final report becomes a final decision after 30 days.~~

~~—(5) The licensee may appeal the final decision by filing a writ of mandate pursuant to California Code of Civil Procedure, Section 1094.5. The writ of mandate shall be filed in a Superior Court in Los Angeles, San Francisco, or Sacramento counties.~~

~~NOTE: Authority cited: Sections 1000-4(b), 1000-4(c), 1000-4(d), 1000-4(e), and 1000-10(a), Business and Professions Code (Chiropractic Imitative Act). Reference: Sections 1000-4(h), 1000-6(a), Business and Professions Code.~~

History:

1. New section filed 5-13-93; operative 6-14-93 (Register 93, No. 20)
2. Change without regulatory effect amending first paragraph and subsections (a) (2), (c) (8) – (9), (d) (2), (d) (4), (e) (1) and (e) (3) filed 10-5-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 40).